

HOUSE No. 1026

By Mr. Honan of Boston, petition of Kevin G. Honan and others relative to discipline in the public schools and establishing alternative education programs. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO SAFE SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 71 of the General Laws, as appearing in the 2000 Offi-
2 cial Edition, is hereby amended by inserting after Sections 37H
3 and 37H½ thereof the following new section:—

4 Section 37H3/4. (a) A teacher may send a student to the princi-
5 pal's office to maintain effective discipline in the classroom. The
6 principal shall respond by employing appropriate discipline man-
7 agement techniques consistent with the student code of conduct
8 adopted under Section 37H, which shall include conditions that
9 authorize or require a principal or other appropriate administrator
10 to transfer a student to an alternative education program as pro-
11 vided by subsection (d). A teacher may remove from class a stu-
12 dent who has been documented by the teacher to repeatedly
13 interfere with the teacher's ability to communicate effectively
14 with the students in the class or with the ability of the student's
15 classmates to learn; or whose behavior the teachers determines is
16 so unruly, disruptive, or abusive that it seriously interferes with
17 the teacher's ability to communicate effectively with the students
18 in the class or with the ability of the student's classmates to learn.

19 If a teacher removes a student from class the principal may
20 place the student into in-school suspension or into an alternative
21 education program. The terms of the removal may prohibit the
22 student from attending or participating in school-sponsored or
23 school-related activity.

24 The principal may not return the student to that teacher's class
25 without the teacher's consent unless the committee established
26 under subsection (b) determines that such placement is the best or
27 only alternative available.

28 (b) Each school shall establish a three-member committee to
29 determine placement of a student when a teacher refuses the
30 return of a student to the teacher's class and make recommenda-
31 tions to the district regarding re-admission of expelled students.
32 Members shall be appointed as follows: (1) the campus faculty
33 shall choose two teachers to serve as members and one teacher to
34 serve as an alternate member; and, (2) the principal shall choose
35 one member from the professional staff of a campus.

36 The teacher refusing to re-admit the student may not serve on
37 the committee.

38 (c) A student shall be removed from class and placed in an
39 alternative education program if the student engages in conduct
40 that contains the elements of the offense of retaliation against any
41 school employee.

42 The terms of a placement under this section must prohibit the
43 student from attending or participating in a school-sponsored or
44 school related activity.

45 (d) Each school district shall provide an alternative education
46 program that is provided in a setting other than a student's regular
47 classroom; is located on or off of a regular school campus; pro-
48 vides for the students who are assigned to the alternative educa-
49 tion program to be separated from students who are not assigned
50 to the program; focuses on English language arts, mathematics,
51 science, history, and self-discipline; provides for students' educa-
52 tional and behavioral needs; provides supervision and counseling;
53 and, has as a program goal zero tolerance for school violence.

54 An alternative education program may provide for a student's
55 transfer to: a different campus, a school-community guidance
56 center or a community-based alternative school.

57 A school district may provide an alternative education program
58 jointly with one or more other districts.

59 Each school district shall cooperate with government agencies
60 and community organizations that provide services in the district
61 to students placed in an alternative education program.

62 A student removed to an alternative education program is
63 counted in computing the average daily attendance of students in
64 the district for the student's time in actual attendance in the pro-
65 gram.

66 A school district may not place a student in an unsupervised
67 setting as a result of conduct for which a student may be placed in
68 an alternative education program.

69 (e) On request of a school district, the department of education
70 shall provide to the district information on developing an alterna-
71 tive education program that takes into consideration the district's
72 size, wealth, and existing facilities in determining the program
73 best suited to the district.

74 The board of education shall establish an alternative education
75 grant program to make grant awards to school districts that have
76 received approval for their alternative education plans.

77 A school district shall allocate to an alternative education pro-
78 gram the same expenditure per student attending the alternative
79 education program, including federal, state, and local funds, that
80 would be allocated to the student's school if the student were
81 attending the student's regularly assigned education program,
82 including a special education program.

83 (f) If a student placed in an alternative education program
84 enrolls in another school district before the expiration of the
85 period of placement the superintendent of the district requiring the
86 placement shall provide to the district in which the student enrolls,
87 at the same time other records of the student are provided, a copy
88 of the placement order. The district in which the student enrolls
89 may continue the alternative education program placement under
90 the terms of the order or may allow the student to attend regular
91 classes without completing the period of placement.

92 (g) A program of educational and support services may be pro-
93 vided to a student and the student's parents when an offense
94 involves drugs or alcohol.